

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNIFIED HOLDINGS LLC,)
Plaintiff,) 8:09CV61
vs.) ORDER
OPTICAL PRODUCTS DEVELOPMENT)
CORP. and KENNETH WESTORT,)
Defendants.)

This matter is before the court sua sponte and pursuant to [NECivR 41.2](#), which states in pertinent part: "At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution." Further, [Fed. R. Civ. P. 4\(m\)](#) establishes a 120-day time limit for service of process on the defendant in a civil case, absent a showing of good cause.

In this case the complaint was filed on February 18, 2009. See [Filing No. 1](#). Accordingly, the deadline for service of process expired **on or about June 18, 2009**. Summons have been issued in this case, however there is no proof of service of process on either of the defendants. Therefore, the plaintiff must make a showing of good cause for the failure of service or the action must be dismissed as against the defendants. Upon consideration,

IT IS ORDERED:

The plaintiff shall show cause why this case should not be dismissed for failure to prosecute. The showing of cause shall be filed electronically on or before the close of business **on July 9, 2009**.

Dated this 24th day of June, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge